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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,525	10/01/2003	Osamu Otsuka	DP-970 US	5371

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EXAMINER

KIM, HONG CHONG

ART UNIT PAPER NUMBER

2185

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,525

Applicant(s)

OTSUKA, OSAMU

Examiner

Hong C. Kim

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,9,10,12,13, 17,18,20,21 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 3,6-8,11,14-16,19,22-24 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/03&09/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-28 are presented for examination. This office action is in response to the application filed on 10/01/2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/01/03 and 09/29/05 are is being considered by the examiner.

4. Applicants are reminded of the duty to disclose information under 37 CFR 1.56.

The examiner requests, in response to this Office action, any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent and dependent claims. That is, any prior art (including any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. This request does not require applicant to perform a search. This request is not intended to interfere with or go beyond that required under 37 C.F.R. 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple

statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only to those documents within the scope of this request that are included in the application's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this request and any information disclosures beyond the scope of this are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event prior art documentation is submitted, a discussion of relevant passages, figs. etc. with respect to the claims is requested. The examiner is looking for specific references to 102/103 prior art that identify independent and dependent claim limitations. Since applicant is most knowledgeable of the present invention and submitted art, his/her discussion of the reference(s) with respect to the instant claims is essential. **A response to this inquiry is greatly appreciated.**

The examiner also requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s), in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The title should be more specific to differentiate the invention from similar inventions in the patent literature.

"mobile terminal", "transmission judging means", and "transmission means" aspects of the invention should be mentioned in the title so that the title is more descriptive.

Claim Objections

6. Claim 17-24 are objected to because of the following informalities:

As to claims 17 and 20, it appears that " program " should be changed to – program on a computer-readable medium including instructions that executable by a computer— for clarity and to avoid possible 35 USC § 101 rejection.

Claims 18-19 and 21-24 are objected as fully incorporating the defects of an objected base claim. (For dependent claim of above)

As to claims 5-8, 13-16, and 21-24, it is unclear what "its own terminal" refers to.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2185

7. Claims 1, 2, 4, 5, 9, 10, 12, 13, 17, 18, 20, 21, 25, 27, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior art (AAPA) pages 1-17 and Fig. 1.

As to claims 1, 4, 9, 12, 17, 20, 25, and 26, AAPA discloses a mobile terminal (Fig. 1) with a memory section (page 3 lines 8-12) and manual memory allocation and deallocation (page 4 lines 20-24), however AAPA does not specifically disclose a server.

AAPA (2001-358753) discloses a server (page 5 lines 10-14) for the purpose of storing large data thereby prevent data loss.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a server as taught by AAPA into the system of AAPA for the advantages stated above.

AAPA discloses the invention as stated above, however, AAPA does not specifically disclose a management apparatus for memory capacity, comprising: a data capacity management means, a transmission judging means and a transmitting means.

AAPA (2001-184240) discloses a management apparatus (page 5 lines 15-27) for memory capacity, comprising: a data capacity management means (page 5 lines 16-17), a transmission judging means (page 5 lines 19-21) and a transmitting means (page 5 lines 22-27) for the purpose of providing capacity control mechanism between two devices.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a data capacity management means, a

transmission judging means and a transmitting means as taught by AAPA into the system of AAPA for the advantages stated above.

As to claims 2, 5, 10, 13, 18, 21, and 27, AAPA further discloses renews the vacant capacity (page 5 lines 15-27).

8. Claims 1, 2, 4, 5, 9, 10, 12, 13, 17, 18, 20, 21, 25, 27, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun, US Patent No. 6,101,505 in view of Ariga, US Patent Pub. No. 2002/0049826.

As to claims 1, 4, 9, 12, 17, 20, 25, and 26, Sun discloses a management apparatus for memory capacity, comprising: a data capacity management means (Fig. 3a ref. 320), however, Sun does not specifically disclose a transmission judging means and a transmitting means.

Ariga discloses a transmission judging means (Fig. 2 ref. 16) and a transmitting means (Fig. 2 ref. 17) for the purpose of providing capacity control mechanism between two devices.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a transmission judging means and a transmitting means as taught by Ariga into the system of Sun for the advantages stated above.

As to claims 2, 5, 10, 13, 18, 21, and 27, Ariga further discloses renews the vacant capacity (Fig. 2).

Allowable Subject Matter

9. Claims 3, 6-8, 11, 14-16, 19, 22-24, and 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, any intervening claims and overcome claim objections.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

2. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181.

The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. **Any response to this action should be mailed to:**

Commissioner of Patents

Art Unit: 2185

P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:
571-273-8300

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

HK
Primary Patent Examiner
January 12, 2006

A handwritten signature in black ink, appearing to be 'HK' followed by a stylized flourish.